

LAWRENCE BERKELEY NATIONAL LABORATORY

**PART II: AFFIRMATIVE ACTION PLAN FOR COVERED VETERANS AND
PERSONS WITH DISABILITIES**

FOR

JANUARY 1, 2013 THROUGH DECEMBER 31, 2013

PART II

AAP FOR COVERED VETERANS AND PERSON WITH DISABILITIES

TABLE OF CONTENTS

CHAPTER A:	POLICY STATEMENT 41 C.F.R. §§ 60-250.44(a); 60-300.44(a); 60-741.44(a)
CHAPTER B:	REVIEW OF PERSONNEL PROCESSES 41.C.F.R. §§ 60-250.44(b); 60-300.44(b); 60-741.44(b)
CHAPTER C:	PHYSICAL AND MENTAL QUALIFICATIONS 41.C.F.R. §§ 60-250.44(c); 60-300.44(c); 60-741.44(c)
CHAPTER D:	REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL LIMITATIONS 41 C.F.R §§ 60-250.44(d); 60-300.44(d); 60-741.44(d)
CHAPTER E:	HARASSMENT 41 C.F.R §§ 60-250.44(e); 60-300.44(e); 60-741.44(e)
CHAPTER F:	EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT 41 C.F.R. §§ 60-250.44(f); 60-300.44(f); 60-741.44(f)
CHAPTER G:	INTERNAL DISSEMINATION OF POLICY 41 C.F.R. §§ 60-250.44(g); 60-300.44(g); 60-741.44(g)
CHAPTER H:	AUDIT AND REPORTING SYSTEM 41 C.F.R. §§ 60-250.44(h); 60-300.44(h); 60-741.44(h)
CHAPTER I:	RESPONSIBILITY FOR IMPLEMENTATION 41 C.F.R. §§ 60-250.44(i); 60-300.44(i); 60-741.44(i)
CHAPTER J:	TRAINING 41 C.F.R. §§ 60-250.44(j); 60-300.44(j); 60-741.44(j)
CHAPTER K:	COMPENSATION 41 C.F.R. §§ 60-250.21(i); 60-300.21(i); 60-741.21(i)

CHAPTER A: POLICY STATEMENT
41 C.F.R. §§ 60-250.44(a); 60-300.44(a); 60-741.44(a)

It is the policy of LAWRENCE BERKELEY NATIONAL LABORATORY and my personal commitment that equal employment opportunity be provided in the employment and advancement of covered veterans and persons with disabilities at all levels of employment, including the executive level. LAWRENCE BERKELEY NATIONAL LABORATORY does not and will not discriminate against any applicant or employee because he or she is a covered veteran or because of a physical or mental disability in regard to any position for which the applicant or employee is qualified. In addition, LAWRENCE BERKELEY NATIONAL LABORATORY is committed to a policy of taking affirmative action to employ and advance in employment qualified covered veterans and individuals with disabilities. Such affirmative action shall apply to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training. Decisions related to personnel policies and practices shall be made on the basis of an individual's capacity to perform a particular job and the feasibility of any necessary job accommodation. LAWRENCE BERKELEY NATIONAL LABORATORY will make every effort to provide reasonable accommodations to any physical and mental limitations of individuals with disabilities and to disabled veterans.

Our obligations in this area stem from not only adherence to various state and federal regulations, but also from our commitment as an employer in this community to provide job opportunities to covered veterans and persons with disabilities.

If you have any questions regarding our equal employment opportunity, harassment policies or the complaint procedure, you may contact your local Human Resources representative. Parts of the Affirmative Action Plan may be reviewed, as appropriate, by making an appointment with your local Human Resources representative.

(Signature)

Paul Alivisatos
Lab Director

CHAPTER B: REVIEW OF PERSONNEL PROCESSES
41.C.F.R. §§ 60-250.44(b); 60-300.44(b); 60-741.44(b)

To ensure that all personnel activities are conducted in a job-related manner which provides and promotes equal employment opportunity for all known covered veterans and employees and applicants with disabilities, reviews are periodically made of LAWRENCE BERKELEY NATIONAL LABORATORY 's examination and selection methods to identify barriers to employment, training, and promotion.

- 1) LAWRENCE BERKELEY NATIONAL LABORATORY periodically conducts a review of its employment processes to ensure thorough and systematic consideration of the job qualifications of 1) known covered veteran applicants and employees; and 2) applicants and employees with disabilities for job vacancies filled either by external hiring or internal promotions/transfers, as well as for all training opportunities available. In order to determine whether an individual is qualified for a particular job, a close examination of the content of the job is made, as well as a review of the job qualifications of known covered veterans and individuals with disabilities, both applicants and employees. In determining the qualifications of a covered veteran, consideration is given only to that portion of the military record, including discharge papers, relevant to the job qualifications for which the veteran is being considered.
- 2) LAWRENCE BERKELEY NATIONAL LABORATORY ensures that its personnel processes do not stereotype disabled persons or veterans in a manner which limits their access to jobs for which they are qualified.

CHAPTER C: PHYSICAL AND MENTAL QUALIFICATIONS
41.C.F.R. §§ 60-250.44(c); 60-300.44(c); 60-741.44(c)

To ensure that all physical and mental qualifications and requirements are job-related and promote equal employment opportunity for all known covered veterans and employees and applicants with qualified disabilities, reviews are periodically made of LAWRENCE BERKELEY NATIONAL LABORATORY 's physical and mental qualifications and requirements as they relate to employment, training, and promotion.

LAWRENCE BERKELEY NATIONAL LABORATORY 's physical and mental job requirements are reviewed to determine whether or not they are job-related and consistent with business necessity and safe performance on the job.

Schedule for Review: Any previously reviewed classification will be reviewed again if there is a change in working conditions which affects the job's physical or mental requirements (e.g., new requirements, new equipment, etc.)

**CHAPTER D: REASONABLE ACCOMMODATION TO PHYSICAL AND MENTAL
LIMITATIONS**

41 C.F.R §§ 60-250.44(d); 60-300.44(d); 60-741.44(d)

LAWRENCE BERKELEY NATIONAL LABORATORY will make every effort to provide reasonable accommodations to physical and mental limitations of applicants and employees with disabilities or who are disabled veterans unless it can demonstrate that the accommodations would impose an undue hardship on the operation of business. LAWRENCE BERKELEY NATIONAL LABORATORY will confidentially review performance issues of employees with known disabilities to determine whether a reasonable accommodation is needed when: 1) the employee is having significant difficulty with job performance, and 2) it is reasonable to conclude that the problem is related to the known disability.

CHAPTER E: HARASSMENT
41.C.F.R. §§ 60-250.44(e); 60-300.44(e); 60-741.44(e)

LAWRENCE BERKELEY NATIONAL LABORATORY has developed and implemented a set of procedures to ensure that its employees with disabilities and Covered Veterans are not harassed due to those conditions. A copy of the sexual harassment policy, which includes a section prohibiting harassment of individuals with disabilities or other veterans, is available for distribution to new as well as to existing employees.

CHAPTER F: EXTERNAL DISSEMINATION OF POLICY, OUTREACH AND POSITIVE RECRUITMENT

41 C.F.R. §§ 60-250.44(f); 60-300.44(f); 60-741.44(f)

Based upon LAWRENCE BERKELEY NATIONAL LABORATORY 's review of its personnel policies as described in Chapter B, the following activities will be implemented or continued to further enhance our affirmative action efforts. All activities are the responsibility of the EEO/AA and Diversity & Inclusion Manager .

- 1) Initiate and maintain communication with organizations having special interests in the recruitment of and job accommodations for covered veterans and individuals with disabilities.
- 2) Include workers with disabilities when employees are pictured in consumer, promotional, or help wanted advertising.
- 3) Disseminate information concerning employment opportunities to radio and television stations, and to publications that primarily reach covered veterans and individuals with disabilities.
- 4) Provide information emphasizing job opportunities for covered veterans and individuals with disabilities to all local educational institutions, public and private.
- 5) Inform all recruiting sources, in writing and orally, of LAWRENCE BERKELEY NATIONAL LABORATORY 's affirmative action policy for covered veterans and individuals with disabilities.
- 6) List with the State Employment Development Department all suitable job openings.

The exemptions for posting jobs are when positions are,

- (1) executive and top management positions,
- (2) positions that will be filled from within the contractor's organization,
- (3) and positions lasting three days or less.

This is an on-going activity. A listing of job opportunities reported to the State Employment Development Department is always kept current.

- 7) Send written notification of LAWRENCE BERKELEY NATIONAL LABORATORY 's affirmative action policy to all subcontractors, vendors, and suppliers requesting appropriate action on their part. This includes their obligation to annually file their EEO Reporting form and VETS-100 form and, for employers with 50 or more employees and contracts of \$50,000 or more, their obligation to develop a written affirmative action plan.
- 8) Conduct formal briefing sessions with representatives from recruiting sources. Include as part of the briefing sessions, facility tours, clear and concise explanations

of current and future job openings, position descriptions, worker specifications, explanations of LAWRENCE BERKELEY NATIONAL LABORATORY 's selection process, and recruiting literature. Arrange for referral of applicants, follow up with sources, and feedback on disposition of applicants.

- 9) Participate in veterans "job fairs" and work study programs with Veterans' Administration rehabilitation facilities and schools which specialize in training or educating covered veterans.
- 10) LAWRENCE BERKELEY NATIONAL LABORATORY will also grant leaves of absence to employees who participate in honor guards for the funeral of veterans.

CHAPTER G: INTERNAL DISSEMINATION OF POLICY
41 C.F.R. §§ 60-250.44(g); 60-300.44(g); 60-741.44(g)

In order to gain positive support and understanding for the affirmative action program for covered veterans and individuals with disabilities LAWRENCE BERKELEY NATIONAL LABORATORY will implement or continue to implement the following internal dissemination procedures, all of which are the responsibility of the EEO/AA and Diversity & Inclusion Manager. The following policies and procedures are designed to foster support and understanding from LAWRENCE BERKELEY NATIONAL LABORATORY's executive staff, management, supervisors, and other employees in an effort to encourage all employees to take the necessary actions to aid LAWRENCE BERKELEY NATIONAL LABORATORY in meeting its obligations.

- 1) Include the policy in LAWRENCE BERKELEY NATIONAL LABORATORY 's policy manual and other in-house publications.
- 2) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the Lab Director's attitude.
- 3) Schedule training sessions for all employees involved in recruiting, selection, promotion, and other related employment issues for covered veterans and individuals with disabilities.
- 4) Discuss the policy thoroughly in both employee orientation and management training programs.
- 5) Inform union officials of the contractor's policy, and request their cooperation.
- 6) Include non-discrimination clauses in all union agreements, and review all contractual provisions to ensure they are non-discriminatory.
- 7) Include articles on accomplishments of covered veterans and workers with disabilities in Company publications.
- 8) Post the policy on Company bulletin boards, along with LAWRENCE BERKELEY NATIONAL LABORATORY 's harassment policy which includes protection from harassment on the basis of disability.
- 9) When employees are featured in employee handbooks or similar publications for employees, include employees with disabilities.

CHAPTER H: AUDIT AND REPORTING SYSTEM

41 C.F.R. §§ 60-250.44(h); 60-300.44(h); 60-741.44(h)

LAWRENCE BERKELEY NATIONAL LABORATORY

has developed and currently implements an audit and reporting system that addresses the following:

- 1) Measures the effectiveness of LAWRENCE BERKELEY NATIONAL LABORATORY's overall Affirmative Action Program and whether LAWRENCE BERKELEY NATIONAL LABORATORY is in compliance with specific obligations.
- 2) Indicates the need for remedial action.
- 3) Measures the degree to which LAWRENCE BERKELEY NATIONAL LABORATORY's objectives are being met.
- 4) Whether there are any undue hurdles for individuals with disabilities and other veterans regarding company sponsored educational, training, recreational, and social activities.

CHAPTER I: RESPONSIBILITY FOR IMPLEMENTATION

41 C.F.R. §§ 60-250.44(i); 60-300.44(i); 60-741.44(i)

As part of its efforts to ensure equal employment opportunity to covered veterans and individuals with disabilities, LAWRENCE BERKELEY NATIONAL LABORATORY has designated specific responsibilities to various staff to ensure the AAP focuses on all components of the employment system. To that end, the Lab Director, Chief Human Resources Officer, EEO/AA and Diversity & Inclusion Manager, and those employed as supervisors and managers have undertaken the responsibilities described below.

Lab Director

The Lab Director is responsible for providing top management support for LAWRENCE BERKELEY NATIONAL LABORATORY 's AAP. This person issues a memo annually to reaffirm LAWRENCE BERKELEY NATIONAL LABORATORY 's Equal Employment Opportunity Policy and to make known to all employees and applicants the commitment of Senior Management to EEO and affirmative action. Additional responsibilities include, but are not limited to:

- 1) Designating appropriate personnel with the responsibility for overseeing, administering, implementing, and monitoring LAWRENCE BERKELEY NATIONAL LABORATORY 's AAP. Ensuring that these personnel are identified in writing by name and job title.
- 2) Ensuring that designated personnel responsible for all AAP components are given the necessary authority and top management support and staffing to successfully implement their assigned responsibilities.
- 3) Imparting the personal direction that ensures total involvement and commitment to equal employment opportunity programs through LAWRENCE BERKELEY NATIONAL LABORATORY's AAP.

Chief Human Resources Officer

The Chief Human Resources Officer is responsible for overall supervision of the AAP. The Chief Human Resources Officer ensures, through the EEO/AA and Diversity & Inclusion Manager and department managers and supervisors, that all relevant policies and procedures are adhered to. Successful implementation of this program is a basis for evaluating the Chief Human Resources Officer's effective work performance. The Chief Human Resources Officer's responsibilities include, but are not limited to, the following:

- 1) Presenting all needed recommendations and procedural changes to Senior Management concerning EEO and affirmative action and ensuring that Senior Management is kept informed of LAWRENCE BERKELEY NATIONAL LABORATORY 's compliance status.

- 2) Maintaining Company-wide management support and cooperation for LAWRENCE BERKELEY NATIONAL LABORATORY 's AAP.
- 3) Collaborating with Senior Management on EEO and AAP issues.
- 4) Assisting line management in arriving at solutions to EEO/AA problems.
- 5) Reviewing results of audit and reporting systems to assess the effectiveness of LAWRENCE BERKELEY NATIONAL LABORATORY 's AA programs and to direct corrective actions where necessary.
- 6) Ensuring that the AAP is updated annually for all establishments.
- 7) Providing guidance to managers and supervisors in taking proper action to prevent employees from being harassed in any way, through one-on-one contact, training, and disciplinary action.
- 8) Providing guidance and direction to the EEO/AA and Diversity & Inclusion Manager .
- 9) Ensuring that relevant staff, (i.e., EEO/AA and Diversity & Inclusion Manager , managers, and supervisors) are aware that their work performance is being evaluated in part on the basis of their equal employment opportunity efforts and results.
- 10) Reviewing the qualifications of all employees to ensure equitable opportunity, based on job-related employment practices, is given to all for transfers and promotions.
- 11) Conducting periodic audits of: 1) training programs and hiring and promotion patterns to remove impediments to the attainment of AAP goals and objectives, and 2) LAWRENCE BERKELEY NATIONAL LABORATORY 's sponsored educational, training, recreational, and social activities to ensure that all employees are encouraged to participate in accordance with policies on non-discrimination. Determine whether known covered veterans and employees with disabilities have had the opportunity to participate in all Company-sponsored educational, training, recreation and social activities.
- 12) Reviewing all job descriptions and specifications to ensure they are free of discriminatory provisions and artificial barriers. Ensuring that all requirements are job-related, that they are realistic, and that they reflect the actual work requirements of the essential job duties.
- 13) Ensuring LAWRENCE BERKELEY NATIONAL LABORATORY 's VETS-100 and or VETS-100A form are filed annually with the Secretary of Labor.

EEO/AA and Diversity & Inclusion Manager

The EEO/AA and Diversity & Inclusion Manager is responsible for ensuring that the directives of the Lab Director and Chief Human Resources Officer are implemented. The EEO/AA and Diversity & Inclusion Manager's duties include, but are not limited to, the following:

- 1) Providing direction to LAWRENCE BERKELEY NATIONAL LABORATORY 's employees, as necessary, to carry out all actions required to meet LAWRENCE BERKELEY NATIONAL LABORATORY 's equal employment opportunity and affirmative action commitments.
- 2) Responsible for the design and effective implementation of the AAP at all establishments.
- 3) Developing, implementing, and maintaining audit and reporting systems to measure effectiveness of equal employment opportunity programs, including those that will
 - a) Indicate need for remedial action,
 - b) Determine degree to which goals and objectives have been obtained.
- 4) Advising management in the modification and development of LAWRENCE BERKELEY NATIONAL LABORATORY 's policies to ensure the enhancement of equal employment opportunity for all employees and potential employees within existing equal employment opportunity guidelines.
- 5) Identifying problem areas and establishing procedures, goals and objectives to solve these problems.
- 6) Providing guidelines in the development, preparation, and implementation of career counseling programs for known covered veterans and employees with disabilities.
- 7) LAWRENCE BERKELEY NATIONAL LABORATORY conducts periodic audits to ensure that all required posters and the equal employment opportunity policies and AAP are displayed properly. LAWRENCE BERKELEY NATIONAL LABORATORY also conducts audits to ensure that the Invitation to Self-Identify for covered veterans and individuals with disabilities, LAWRENCE BERKELEY NATIONAL LABORATORY 's equal employment opportunity, and AAP policies are being utilized appropriately and thoroughly communicated.
- 8) Developing policy statements, affirmative action programs, internal and external communication techniques.
- 9) Assisting line management in arriving at solutions to problems.
- 10) Serving as the liaison between LAWRENCE BERKELEY NATIONAL LABORATORY and enforcement agencies.

- 11) Serving as the liaison between LAWRENCE BERKELEY NATIONAL LABORATORY and organizations and community action groups for covered veterans and persons with disabilities, in addition to ensuring that representatives are involved in community service programs of local organizations for covered veterans and persons with disabilities.
- 12) Keeping management informed of the latest developments in the equal employment opportunity area.
- 13) Reviewing, reporting on, and updating the AAP annually in accordance with stated policy. Informing employees and applicants of significant changes.
- 14) Working closely with the Chief Human Resources Officer and department managers and supervisors in coordinating the effective implementation of all identified affirmative actions.
- 15) Assisting in review and revision of all policies, procedures, and rules to ensure they are not in violation of federal or state laws and regulations.
- 16) Responsible for ensuring overall LAWRENCE BERKELEY NATIONAL LABORATORY 's compliance with the AAP.

Managers and Supervisors

In their direct day-to-day contact with LAWRENCE BERKELEY NATIONAL LABORATORY 's employees, managers and supervisors have assumed certain responsibilities to help LAWRENCE BERKELEY NATIONAL LABORATORY ensure compliance with equal employment opportunity programs and effective implementation of the AAP. These include, but are not limited to the following:

- 1) Aggressively adhering to LAWRENCE BERKELEY NATIONAL LABORATORY 's equal employment opportunity policy.
- 2) Supporting and assisting the Chief Human Resources Officer and EEO/AA and Diversity & Inclusion Manager in developing, maintaining, and successfully implementing the AAP.
- 3) Completing progress reports regarding the status of affirmative action programs.
- 4) Taking action to prevent harassment of employees placed through affirmative action efforts.
- 5) Assigning employees to significant jobs that might lead to greater personal growth and value, and counsel them with respect to what is needed for upward mobility within the employment structure.

- 6) Ensuring that all interviews, offers of employment and/or wage commitments are consistent with LAWRENCE BERKELEY NATIONAL LABORATORY 's policy.
- 7) Implementing the internal promotion and transfer of all employees under their supervision consistent with AAP goals and objectives.
- 8) Assisting in identifying problem areas and providing needed information for establishing and meeting department affirmative action goals and objectives.
- 9) Seeking and sharing information on feasible accommodations, which have been or could be made for known disabilities.

CHAPTER J: TRAINING
41 C.F.R. §§ 60-250.44(j); 60-300.44(j); 60-741.44(j)

LAWRENCE BERKELEY NATIONAL LABORATORY trains all employees involved in any way with the recruitment, selection, promotion, disciplinary actions, training, and related processes of individuals with disabilities or other veterans to ensure commitment to LAWRENCE BERKELEY NATIONAL LABORATORY 's stated Affirmative Action goals.

CHAPTER K: COMPENSATION
41 C.F.R. §§ 60-250.21(i); 60-300.21(i); 60-741.21(i)

It is the policy of LAWRENCE BERKELEY NATIONAL LABORATORY that when offering employment or promotion to covered veterans or individuals with disabilities, the amount of compensation offered will not be reduced because of any disability income, pension, or other benefit the applicant or employee receives from another source.